



Michael Rubin  
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November 30, 2022

**VIA ECF**

Re: *B&R Supermarket, Inc., et al., v. Visa, Inc., et al.*, No. 1:17-cv-02738  
(MKB) (VMS) (E.D.N.Y.)

Dear Counsel:

On behalf of Defendants Visa and Mastercard in the above-captioned litigation, we are writing to confirm that Defendants Visa and Mastercard are serving, via FTP per the parties' agreement, the following materials:

- Defendants Visa and Mastercard's Notice of Motion for Summary Judgment;
- Memorandum of Law in Support of Defendants Visa and Mastercard's Motion for Summary Judgment;
- Defendants Visa and Mastercard's Statement of Material Facts as to Which There Is No Genuine Issue to Be Tried;
- Transmittal Declaration of Michael A. Rubin in Connection with Defendants Visa and Mastercard's Motion for Summary Judgment and Statement of Material Facts as to Which There Is No Genuine Issue to Be Tried;
- Defendants Visa and Mastercard's Notice of Renewed *Daubert* Motion to Exclude the AFD Benchmark Opinions of Dr. Micah Officer for Purposes of Summary Judgment and Trial;
- Memorandum of Law in Support of Defendants Visa and Mastercard's Renewed *Daubert* Motion to Exclude the AFD Benchmark Opinions of Dr. Micah Officer for Purposes of Summary Judgment and Trial;
- Defendants Visa, Mastercard, and Discover's Notice of Motion to Exclude the Opinions of Dr. Micah Officer;
- Memorandum of Law in Support of Defendants Visa, Mastercard, and Discover's Motion to Exclude the Opinions of Dr. Micah Officer;
- Defendants Visa, Mastercard, and Discover's Notice of Motion to Exclude the Opinions of Dr. Rosa Abrantes-Metz;



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- Memorandum of Law in Support of Defendants Visa, Mastercard, and Discover's Motion to Exclude the Opinions of Dr. Rosa Abrantes-Metz;
- Defendants Visa and Mastercard's Notice of Motion to Decertify Class;
- Memorandum of Law in Support of Defendants Visa and Mastercard's Motion to Decertify Class; and
- Transmittal Declaration of Rosemary Szanyi in Connection with Certain Defendants' Motions to Decertify Class and to Exclude Opinions of Drs. Micah Officer and Rosa Abrantes-Metz.

In accordance with Judge Brodie's Individual Practices and Rules, the foregoing documents will not be filed with the Court until the motions are fully briefed.

Sincerely,

*/s/ Michael Rubin*

Michael Rubin  
*Counsel for Visa*

cc: Hon. Margo K. Brodie (by ECF, without enclosures)  
Hon. Vera M. Scanlon (by ECF, without enclosures)  
All counsel (by ECF, without enclosures)